Ilann M. Maazel
Matthew D. Brinckerhoff
Emery Celli Brinckerhoff & Abady LLP
75 Rockefeller Plaza, 20th Floor
New York, New York 10019
Telephone: (212) 763-5000
Facsimile: (212) 763-5001
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION

This Document Relates to:

VIRGINIA SHUBERT, NOHA ARAFA, SARAH DRANOFF and HILARY BOTEIN, individually and on behalf of all others similarly situated,

Plaintiffs,

-against -

GEORGE W. BUSH, MICHAEL V. HAYDEN, KEITH B. ALEXANDER, ALBERTO GONZALES, JOHN ASHCROFT, UNITED STATES OF AMERICA, and JOHN/JANE DOES #1-100 (07-693)

MDL Dkt. No. 06-1791-VRW

STIPULATION AND ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO. 07-693

Courtroom: 6
Hon. Vaughn R. Walker

RECITALS

1. The Court ordered the Government in Shubert v. Bush, Case No. 07-693 to answer or otherwise respond to the complaint not later than March 29, 2007. Pursuant to the Government's request, Plaintiffs agreed to (and the Court so ordered) a modified schedule that

Dockets.Justia.

permitted the Government to file a dispositive motion by May 18, 2007.

2. Under the modified schedule, Plaintiffs' opposition was due on July 13, 2007. However, in light of the recent Sixth Circuit opinion in ACLU v. NSA, 2007 WL 1952370 (6th Cir. July 6, 2007), Plaintiffs requested and the Government agrees to an extension of single week for Plaintiffs to oppose the motion, to July 20, 2007, on the condition that the Government receives the revised reply date stipulated to in Paragraph 3

3. In light of their obligations to file briefs in this Court in CCR and Verizon, to file a brief in Al-Haramain in the Ninth Circuit, the oral argument in CCR before this Court on August 9, and an oral argument in the Ninth Circuit on August 15, the Government has requested and Plaintiffs agree to provide the Government until August 16, 2007 to file a reply brief in this case. The Government agrees to this revised schedule only if they have until August 16 to file their reply brief.

4. Oral argument is scheduled for August 30, 2007. As required by the Court's local rules, the reply under this schedule will be filed 14 days in advance of oral argument.

STIPULATION

Plaintiffs, through their counsel, and the Government, through their attorneys of record, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

1. On or before July 20, 2007, Plaintiffs will file an opposition to the Government's dispositive motion in Shubert v. Bush, Case No. 07-693.

2. On or before August 16, 2007, the Government will a reply brief in support of its

dispositive motion.

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, Ilann M. Maazel, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on July 12, 2007, in the City of New York, New York.

EMERY CELLI BRINCKERHOFF
& ABADY LLP

By: ______________________
Ilann M. Maazel (IM-5724)
Matthew D. Brinckerhoff (MB-3552)

75 Rockefeller Plaza, 20th Floor
New York, N.Y. 10019
(212) 763-5000

Attorneys for Plaintiffs

PETER D. KEISLER
Assistant Attorney General, Civil Division
CARL J. NICHOLS
Deputy Assistant Attorney General
DOUGLAS N. LETTER
Terrorism Litigation Counsel
JOSEPH H. HUNT
Director, Federal Programs Branch
ANTHONY J. COPPOLINO
Special Litigation Counsel
ANDREW H. TANNENBAUM
ALEXANDER K. HAAS
Trial Attorneys

U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W., Rm. 7328
Washington, DC 20001
Telephone: (202) 514-4782 – Fax: (202) 618-8460
Emailk: tony.coppolino@usdoj.gov

By: /s Anthony J. Coppolino
Anthony J. Coppolino

Attorneys for United States of America, National Security Agency, President George W. Bush

Dated: July 12, 2007
New York, New York

~~PROPOSED~~ ORDER

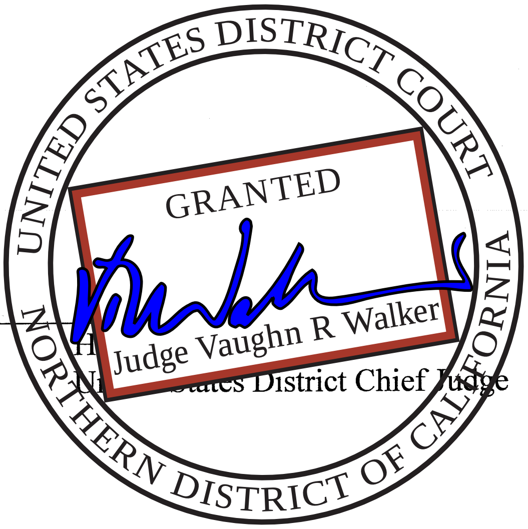
Pursuant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED that:

1. On or before July 20, 2007, Plaintiffs will file an opposition to the Government's dispositive motion in Shubert v. Bush, Case No. 07-693.

2. On or before August 16, 2007, the Government will a reply brief in support of its dispositive motion.

IT IS SO ORDERED.

Dated: July 13, 2007


UNITED STATES DISTRICT COURT
GRANTED
Judge Vaughn R Walker
NORTHERN DISTRICT OF CALIFORNIA

United States District Chief Judge